

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA  
CIVIL DIVISION

BOARD OF TRUSTEES OF BRICKLAYERS	)	
COMBINED FUNDS OF WESTERN	)	
PENNSYLVANIA,	)	No.: 05-171E
Plaintiff,	)	
	)	
v.	)	NOTICE FOR VOLUNTARY
	)	DISMISSAL
GARLAND CONSTRUCTION,	)	
Defendant.	)	Electronically Filed
	)	

Filed on Behalf of:  
Plaintiff

Counsel of Record for This Party  
Stephen J. O'Brien, Esq.  
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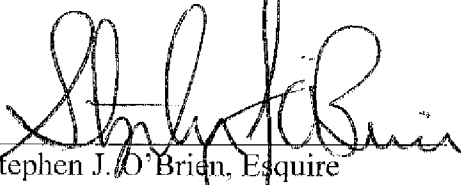
NOTICE FOR VOLUNTARY DISMISSAL WITHOUT PREJUDICE

AND NOW COMES the Plaintiff, by its attorneys Stephen J. O'Brien and Associates and Stephen J. O'Brien, Esq. and moves this Court to allow a voluntary dismissal without prejudice.

1. As stated in Fed.R.Civ.P 41(a)(1), an action may be dismissed by the Plaintiff without an order of court (1) by filing a notice of dismissal at anytime before service by the adverse party of an answer or of a motion for summary judgment, whichever first occurs...

2. As the Defendant, Garland Construction has not yet filed an answer or motion for summary judgment, the Plaintiff at this time is requesting a voluntary dismissal of this action.

Respectfully Submitted,

  
Stephen J. O'Brien, Esquire  
Attorney for Plaintiff